

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA

Gary A. Creamer,	)	Civil Action No. 6:13-2388-MGL
	)	
	Plaintiff, )	
	)	
v.	)	<b><u>ORDER</u></b>
	)	
Major C. West, <i>et al.</i> ,	)	
	Defendants. )	
	)	
_____	)	
	)	

Plaintiff Gary A. Creamer, (“Plaintiff”), a state prisoner who is represented by counsel, filed the instant action pursuant to 42 U.S.C. § 1983. (ECF No. 1). In accordance with 28 U.S.C. § 636(b)(1)(B) and Local Civil Rule 73.02(B)(2), D.S.C., this matter was referred to United States Magistrate Judge Kevin F. McDonald for pre-trial handling.

On July 31, 2015, the Magistrate Judge issued a Report and Recommendation, (“the Report”), (ECF No. 85), recommending that Defendant’s Second Motion for Summary Judgment, (ECF No. 69), be granted. Objections to the Report were due by August 17, 2015. Plaintiff did not file any objections to the Report. The matter is now ripe for review by this Court.

The Magistrate Judge makes only a recommendation to the Court. The recommendation has no presumptive weight, and the responsibility to make a final determination remains with the Court. *See Mathews v. Weber*, 423 U.S. 261 (1976). The Court is charged with making a *de novo* determination of any portion of the Report of the Magistrate Judge to which a specific objection is made. The Court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or recommit the matter to the Magistrate Judge with instructions. *See* 28 U.S.C. § 636(b). In the absence of a timely filed Objection, a district court need not conduct a *de novo* review, but instead must “only satisfy itself that there is no clear error on the face of the record

in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

Applying the above standards to the instant matter, the Court has carefully reviewed the record, applicable law, and the Magistrate Judge’s Report, (ECF No. 85), and finding no clear error in the Report, the Court adopts and incorporates it by reference. Accordingly, Defendants’ Second Motion for Summary Judgment, (ECF No. 69), is **GRANTED** and Defendants’ Motion to Dismiss as to Lt. Brayboy, (ECF No. 70), is terminated as **MOOT**. The Court declines to exercise supplemental jurisdiction over any remaining state law claims and dismisses Defendants’ counterclaim.

**IT IS SO ORDERED.**

s/Mary G. Lewis  
United States District Judge

August 19, 2015  
Columbia, South Carolina